THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5856 OF 2006

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DATED: 23-03-2006

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BETWEEN

Shaik Ghani Ahmed,

S/o. Late Shaik Jameel Ahmed,

R/o. H.No.12-2-831/86,

Mehdipatnam, Hyderabad.

...PETITIONER

AND

The Assistant City Planner,

Circle No.IV, Municipal Corporation

of Hyderabad, Khairatabad,

Hyderabad and another.

...RESPONDENTS

ORDER:

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Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner submits that he is the owner of the property mentioned in the writ petition and that the respondents without following due procedure prescribed under the law and without

paying any compensation either by way of private of negotiations or by way of initiating land acquisition proceedings are proceeding to take away the property of the petitioner for the purpose of road widening in utter violation of principles of natural justice as well as Sections 146 and 147 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law or private negotiations.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondents not to demolish or take away the property of the petitioner without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894.

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V. ESWARAIAH, J

March 23, 2006

Note: Furnish C.C. of the order by 25.03.2006

(**B/o**)

DSK